

§ 300.502

(2) Whether or not such a written confirmation has been sent, if the securities in question have become the subject of a completed or executory contract for purchase for or sale to the account.

§ 300.502 Claim for securities.

(a) Where the Debtor held cash in an account for a customer, the customer has a "claim for securities" with respect to any authorized securities purchase:

(1) If the Debtor has sent written confirmation to the customer that the securities in question have been purchased for or sold to the customer's account; or

(2) Whether or not such a written confirmation has been sent, if the securities in question have become the subject of completed or executory contract for sale for or purchase from the account.

(b) Where the Debtor held securities in an account for a customer, the customer has a "claim for securities", notwithstanding the fact that the customer has ordered the securities sold for the account, unless:

(1) The Debtor has sent written confirmation to the customer that the securities in question have been sold for or purchased from the customer's account; or

(2) Whether or not written confirmation of the purchase has been sent, if the securities in question have become the subject of completed or executory contract for sale for or purchase from the account.

§ 300.503 Voidable securities transactions.

(a) Nothing in these Series 500 Rules shall be construed as limiting the rights of a trustee in a liquidation proceeding under the Act to avoid any securities transaction as fraudulent, preferential, or otherwise voidable under applicable law.

(b) Nothing in these Series 500 Rules shall be construed as limiting the right of the Securities Investor Protection Corporation, in a direct payment procedure under section 10 of the Act, to reject a claim for cash or a claim for securities if such claim arose out of a securities transaction which could

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have been avoided in a liquidation proceeding under the Act.

PART 301—FORMS, SECURITIES INVESTOR PROTECTION CORPORATION

Sec.

301.0-1 Availability of forms.

FORMS FOR CLOSEOUT OR COMPLETION OF OPEN CONTRACTUAL COMMITMENTS

301.300a Form 300-A, for summary of buy-ins or sell-outs of all open contractual commitments.

301.300b Form 300-B, for report of all fails to deliver.

301.300c Form 300-C, for report of all fails to receive.

AUTHORITY: Sec. 3, 84 Stat. 1636 (15 U.S.C. 78ccc), as amended by sec. 3, Pub. L. 95-283, 92 Stat. 249.

SOURCE: 44 FR 21213, Apr. 9, 1979, unless otherwise noted.

NOTE: Pursuant to section 3(e)(2)(D) of the Securities Investor Protection Act of 1970 (the "Act"), the Securities and Exchange Commission ("Commission") shall approve a proposed rule change submitted by the Securities Investor Protection Corporation ("SIPC") if the Commission finds the rule change is in the public interest and is consistent with the purposes of the Act. Any rule change so approved shall be given force and effect as if promulgated by the Commission. The forms described in this part have been so approved.

§ 301.0-1 Availability of forms.

The forms prescribed for use under the Securities Investor Protection Act of 1970, as amended, (the "Act") and under part 300 of this chapter are identified and described in this part. Copies of these forms may be obtained upon request to, as appropriate, the Securities Investor Protection Corporation ("SIPC") at 900 Seventeenth Street, NW., Washington, DC 20006, or the trustee appointed in a liquidation proceeding under section 5 of the Act.

FORMS FOR CLOSEOUT OR COMPLETION OF OPEN CONTRACTUAL COMMITMENTS

§ 301.300a Form 300-A, for summary of buy-ins or sell-outs of all open contractual commitments.

This form shall be filed as required by § 300.303 of this chapter with the trustee in a proceeding under section 5

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of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by §300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to summarize the buy-ins and sell-outs of those open contractual commitments and shall be accompanied by the forms described in §§301.300b and 301.300c.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 300-A, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 301.300b Form 300-B, for report of all fails to deliver.

This form shall be filed as required by §300.303 of this chapter with the trustee in a proceeding under section 5 of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by §300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to report all the fails to deliver, as defined by §300.300(b) of this chapter, that were open on the

filing date, as well as any subsequent closeouts. This form shall accompany the form described in §300.300a.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 300-B, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 301.300c Form 300-C, for report of all fails to receive.

This form shall be filed as required by §300.303 of this chapter with the trustee in a proceeding under section 5 of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by §300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to report all the fails to receive, as defined by §300.300(a) of this chapter, that were open on the filing date, as well as any subsequent closeouts. This form shall accompany the form described in §300.300a.

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting Form 300-C, see the List of CFR Sections Affected in the Finding Aids section of this volume.

CHAPTER IV—DEPARTMENT OF THE TREASURY

SUBCHAPTER A—REGULATIONS UNDER SECTION 15C OF THE SECURITIES EXCHANGE ACT OF 1934

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